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December 9, 2004

**IN ALL CORRESPONDENCE PLEASE REFER TO ARCHIVE FILE 20041191CIA142
CENTRAL INTELLIGENCE AGENCY REFERENCE F-2005-00136**

Agency Release Panel
c/o Scott Koch
Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505

Re: Freedom of Information Act Appeal

To the Agency Release Panel:

This letter constitutes an appeal under the Freedom of Information Act, 5 U.S.C. Sec. 552, of the determination by the Central Intelligence Agency (CIA) on a request originally filed on October 5, 2004. By letter of November 4, 2004, the CIA withheld the requested document in full under exemptions (b)(1) (b)(3) and (b)(5) of the FOIA. (Enclosure A)

I petition the Agency Release Panel to see the exceptional public entitlement to a declassified copy of this record. This report, which will outline for the American public the intelligence misjudgments and system failures that played into the events of September 11th, is essential for honest assessments of these issues as the public attempts to support and adjust the structure of the intelligence community. The publication of the 9/11 Commission report signaled government acknowledgement of the exceptional collective interest and public right to documentation of the terrorist attack.

Please note the extensiveness of public interest in this document. House Minority Leader Nancy Pelosi issued a press release on October 21, 2004 calling for the declassification of the report stating "Americans have a right to know who the Inspector General believes is responsible for the intelligence failures that contributed to the 9/11 attacks" (Enclosure B see attached October 21, 2004 Press Release from Nancy Pelosi). Senator John D. Rockefeller wrote to CIA Director Porter Goss voicing concern "about the appearance that the Inspector General's independence is being infringed." (Enclosure C see attached November 2, 2004 New York Times article) In a September 23, 2004 letter sent to then-acting Director of Central Intelligence John E. McLaughlin, members of the House Intelligence Committee Representatives Peter Hoekstra and Jane Harman said they were "concerned that the CIA is unwilling to hold its officers accountable for failure to meet the professional standards we know CIA stands for" (Enclosure D see attached October 27, 2004 New York Times article). Survivors and family members of those who died in the September 11 attacks, distressed over the seeming lack of accountability for intelligence failures, have also called for the release of the report. (Enclosure E see attached September 14, 2004 New York Times article)

President George W. Bush also supported the release of further information on the events leading up to the September 11 attacks. In a March 30, 2004 press conference, President Bush stated: "I've ordered...

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cooperation because I consider it necessary to gaining a complete picture of the months and years that preceded the murder of our fellow citizens on September the 11th, 2001." (Enclosure F White House March 30, 2004 press release)

Also, please keep in mind that disclosure of pre-September 11th intelligence activity assessments is not without precedent. On December 20, 2002, the Joint Inquiry of the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence filed a report entitled, *Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001*. An unclassified version of that report has been released to the general public. A similar report conducted by the Department of Justice was heavily relied on by the 9/11 Commission Report and the substance of this DOJ IG report is discussed in Chapter 8.

Furthermore, traditionally the CIA Inspector General has released reports investigating intelligence failures and inaccuracies. On February 18, 2000, the Inspector General released a report entitled *Improper Handling of Classified Information by John M. Deutch* (1998-0028-IG). On February 18, 1997, the Inspector General released Volumes I and II of a report entitled *Inspector General's Survey of the Cuban Operation and Associated Documents*. On January 29, 1998, the Inspector General released an overview entitled *Report of Investigation Concerning Allegation of Connections Between CIA and The Contras in Cocaine Trafficking to the United States* (96-0143-IG). According to the CIA Factbook on Intelligence:

The Office of Inspector General (OIG) promotes efficiency, effectiveness, and accountability in the administration of Agency activities. OIG also seeks to prevent and detect fraud, waste, abuse, and mismanagement. The Inspector General is nominated by the President and confirmed by the Senate. The Inspector General, whose activities are independent of those of any other component in the Agency, is subordinate only to the DDCI and the DCI and reports directly to the latter. OIG conducts inspections, investigations, and audits at Headquarters and in the field, and oversees the Agency-wide grievance-handling system. The OIG provides a semiannual report to the DCI which the DCI is required to submit to the Intelligence Committees of Congress within 30 days.

Further delay in release of an unclassified version of this report undermines the Inspector General as an autonomous entity independent of entrenched Agency interests, as well as undermining the fundamental nature of the FOIA as it denies the IG office its public duty of maintaining accountability at the Agency. This September 11th Report specifically handles the issues of mismanagement, inefficiencies, and inadequacies – subjects that the Inspector General is required to report about to the public – in particular when such inadequacies have proven to pose a threat to public safety.

A more complete picture of past mistakes will serve to guard the American public against future and possibly fatal intelligence mismanagement and therefore, I urge the Appeal Review Panel to reconsider the initial decision to withhold the CIA Inspector General Report in its entirety.

I appreciate your consideration of this appeal and I look forward to your response. If you have any questions or concerns, please contact me at [redacted] or at [redacted]. Thank you.

Sincerely, [redacted]

[redacted]
Freedom of Information Coordinator

Central Intelligence Agency



Washington, D.C. 20505

4 November 2004

[Redacted]
The National Security Archive
Gelman Library, Suite 701
2180 H Street, N.W.
Washington, D.C. 20037

Reference: F-2005-00136 (Archive No. 20041191CIA142)

Dear [Redacted]

This acknowledges receipt of your 5 October 2004 Freedom of Information Act (FOIA) request for:

The June 2004 CIA Inspector General's Report on the events of September 11, 2001.

We assigned your request the number referenced above. Please refer to this number in future correspondence about this request.

We completed a thorough search for records responsive to your request and located material that we determined is properly classified and must be denied in its entirety on the basis of FOIA exemptions (b)(1), (b)(3), and (b)(5).

You have the right to appeal this decision by addressing your appeal to the Agency Release Panel within 45 days from the date of this letter, in my care. Should you choose to do this, please explain the basis of your appeal.

Sincerely,

Scott Koch
Information and Privacy Coordinator



ENCLOSURE A

20041191CIA142
RECNO:2977
11/12/2004

CIA
SEQCOR:110502
FOISG: [Redacted]

House Democratic Leader Nancy Pelosi

<http://democraticleader.house.gov/press/releases.cfm?pressRelease...>

NANCY PELOSI HOUSE DEMOCRATIC LEADER				
	<p>"Democratic priorities are clear: we will fight to get the economy back on track, we will create jobs, and we will help unemployed workers."</p>			
ABOUT NANCY PELOSI	PRESS RESOURCES	LEGISLATIVE CALENDAR	ON THE ISSUES	MEMBER RESOURCES
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PRESS RESOURCES

FOR IMMEDIATE RELEASE
October 21, 2004

CONTACT:
Brendan Daly
202-226-7616

Pelosi: CIA Must Release Inspector General Report on Pre-9/11 Intelligence Failures

Washington, D.C. -- House Democratic Leader Nancy Pelosi issued the following statement today calling for the immediate release of the CIA Inspector General's report examining the agency's performance before the Sept. 11 terrorist attacks:

"One of the critical recommendations of the Joint Inquiry of the House and Senate Intelligence Committees into the September 11th terrorist attacks concerned accountability.

"The members of the joint inquiry -- which I helped lead with then-Congressman Porter Goss, now head of the CIA -- believed that the Inspector General must examine the job performance of individuals in the intelligence community and hold them accountable for any mistakes that contributed to the failure to prevent the attacks.

"It is inexcusable that nearly two years after that recommendation was made, the Inspector General's report still has not been released. Americans have a right to know who the Inspector General believes is responsible for the intelligence failures that contributed to the 9/11 attacks.

"Knowing how essential Mr. Goss felt the accountability recommendation was when he co-chaired the joint inquiry, I urge him to make the Inspector General's report available immediately to Congress and to the American people."

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WHAT DEMOCRATS ARE SAYING

"Current rules require that bills be available to be read for at least three days before coming to a vote. Unfortunately, those rules are routinely overridden by the Republican majority, leaving only a few hours to read bills that are thousands of pages in length and spend hundreds of billions of the people's dollars. The only way to guarantee that Congress knows what it is passing is to ensure that Members have time to read and debate the bills on which they are being asked to vote."

Rep. Brian Baird (D-WA)

SPEAK UP!

Do you think that giving Members of Congress adequate time to read a bill before voting on it is necessary in their decision-making process?

- ☐ Yes, I think that it is necessary.
- ☐ No, I do not think that it is necessary.

your email: _____

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ENCLOSURE B

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October 21, 2004 Thursday

LENGTH: 243 words**HEADLINE:** Pelosi: CIA Must Release Inspector General Report on Pre-9/11 Intelligence Failures**DATELINE:** WASHINGTON Oct. 21**BODY:**

WASHINGTON, Oct. 21 /PRNewswire/ -- House Democratic Leader Nancy Pelosi issued the following statement today calling for the immediate release of the **CIA Inspector General's** report examining the agency's performance before the Sept. 11 terrorist attacks:

"One of the critical recommendations of the Joint Inquiry of the House and Senate Intelligence Committees into the September 11th terrorist attacks concerned accountability.

"The members of the joint inquiry -- which I helped lead with then- Congressman Porter Goss, now head of the CIA -- believed that the **Inspector General** must examine the job performance of individuals in the intelligence community and hold them accountable for any mistakes that contributed to the failure to prevent the attacks.

"It is inexcusable that nearly two years after that recommendation was made, the **Inspector General's** report still has not been released. Americans have a right to know who the **Inspector General** believes is responsible for the intelligence failures that contributed to the 9/11 attacks.

"Knowing how essential Mr. Goss felt the accountability recommendation was when he co-chaired the joint inquiry, I urge him to make the **Inspector General's** report available immediately to Congress and to the American people."

CONTACT: Brendan Daly of the Office of House Democratic Leader Nancy Pelosi, +1-202-226-7616

Web site: <http://democraticleader.house.gov/>

SOURCE Office of House Democratic Leader Nancy Pelosi

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November 2, 2004 Tuesday
Late Edition - Final

SECTION: Section A; Column 5; National Desk; Pg. 16

LENGTH: 1009 words

HEADLINE: C.I.A. Chief Seeks Change In Inspector's 9/11 Report

BYLINE: By DOUGLAS JEHL

DATELINE: WASHINGTON, Nov. 1

BODY:

The director of central intelligence has asked the C.I.A.'s inspector general to modify a draft report on the Sept. 11 attacks to avoid drawing conclusions about whether individual C.I.A. officers should be held accountable for any failures, Congressional and intelligence officials said Monday.

The request by Porter J. Goss, the intelligence chief, would affect an 800-page report that is the result of nearly two years of work. Congressional officials said they were reviewing Mr. Goss's request, spelled out in an Oct. 27 memorandum to the inspector general, John Helgerson, to determine whether it was consistent with a request by the joint Congressional committee that looked into the Sept. 11 attacks.

That panel asked in December 2002 that the Central Intelligence Agency's inspector general determine "whether and to what extent personnel at all levels should be held accountable" for any mistakes that contributed to the failure to disrupt the attacks. Mr. Helgerson's draft report is widely understood to identify officers and officials who should be considered for discipline because of breakdowns in the collection, analysis and distribution of intelligence before the attacks.

The draft report was completed in July, but it has not yet been shared with the individuals named in the document. That step has been delayed for the last 90 days to allow time for Mr. Goss, who took office in September, and his predecessor, John E. McLaughlin, to review the document. In recent weeks, members of Congress, both Democrats and Republicans, have complained to Mr. Goss about the delay. The disclosure of the request from Mr. Goss represents the first indication of how he intends to approach the issue.

ENCLOSURE C

As the C.I.A.'s **Inspector general**, Mr. Helgerson is an independent internal investigator, subject to presidential appointment and Senate confirmation. According to Congressional and intelligence officials, Mr. Goss wants to limit the report to findings of fact, deferring judgments about who should be held accountable to a separate inquiry by an internal C.I.A. panel known as an Accountability Review Board, which is typically composed of senior agency managers.

An intelligence official said that Mr. Goss had requested only that Mr. Helgerson "consider" making changes in the "formatting and presentation" of the draft report as he believed appropriate. "Ultimately, it is the call of I.G. to decide how to proceed," the intelligence official said.

But any recommendation from Mr. Goss would carry significant weight, Congressional and intelligence officials said, because Mr. Helgerson, as an independent internal investigator, reports both to the intelligence chief and to Congress.

Congressional officials critical of Mr. Goss's request said they saw it as inconsistent with Congress's intent that the **Inspector general**, not an internal board, determine who, if anyone, should be held responsible for errors related to the Sept. 11 attacks. Among the actions highlighted in previous inquiries by Congress and an independent commission have been the failure of C.I.A. and F.B.I. personnel to share information in summer 2001 that should have put some of the hijackers on a government watch list.

Senator Bob Graham of Florida, a Democrat who was co-chairman of the joint Congressional panel on the Sept. 11 attacks, said in an interview that he regarded Mr. Goss's request as "reasonable" to protect "the due process rights of the individuals involved." As the chairman of the House Intelligence Committee until this summer, Mr. Goss was the other co-chairman of the joint committee.

Representative Jane Harman of California, the top Democrat on the House Intelligence Committee, was also a member of the joint panel. In response to a question about Mr. Goss's new request, Ms. Harman did not comment directly, but issued a statement saying that "it's past time for Congress to receive this report."

The convening of an internal board to consider possible disciplinary action represents standard practice for the agency in matters of possible wrongdoing, intelligence officials said. They said such a board was usually convened by the C.I.A.'s executive director, the No. 3 official, customarily after the completion of an **Inspector general's** report.

Mr. Helgerson's report is to be made final after he shares his findings with people named in the draft, who will be asked to submit comments, an intelligence official said. But Mr. Helgerson must now decide whether he or the panel of senior C.I.A. officials should draw conclusions about individual responsibility.

Mr. Goss informed the leaders of the Senate and House Intelligence Committees about his request in an Oct. 27 letter, according to the Congressional and intelligence officials. He also gave the committees copies of his Oct. 27 memorandum to Mr. Helgerson, the officials said.

The officials described both letters as unclassified, but neither the C.I.A. nor the Intelligence Committee leaders would make them public, saying that would violate the panel's rules. The intelligence and Congressional officials who described the documents had all read the letter, and they

included both supporters and critics of Mr. Goss's request.

In a Sept. 23 letter to Mr. McLaughlin, Ms. Harman and the top Republican on the House Intelligence Committee, said they were "concerned that the C.I.A. is unwilling to hold its officers accountable for failures to meet the professional standards we know the C.I.A. stands for." Last week, the top Democrat on the Senate Intelligence Committee, John D. Rockefeller IV of West Virginia, wrote separately to Mr. Goss, expressing concern "about the appearance that the inspector general's independence is being infringed."

Senator Pat Roberts, Republican of Kansas and chairman of the Senate Intelligence Committee, did not sign Mr. Rockefeller's letter. But a spokeswoman for Mr. Roberts said last week that "Senator Roberts has already made it clear to the agency that he expects to see the report upon its completion."

URL: <http://www.nytimes.com>

LOAD-DATE: November 2, 2004

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October 27, 2004 Wednesday
Late Edition - Final

SECTION: Section A; Column 4; National Desk; Pg. 18

LENGTH: 730 words

HEADLINE: C.I.A. Is Accused of Delaying Internal Report

BYLINE: By DOUGLAS JEHL

DATELINE: WASHINGTON, Oct. 26

BODY:

The Central Intelligence Agency has blocked, at least temporarily, the distribution of a draft internal report that identifies individual officers by name in discussing whether anyone should be held accountable for intelligence failures leading up to the Sept. 11, 2001, attacks, members of Congress from both parties said.

The delays began in July, at the direction of John E. McLaughlin, then the acting director of central intelligence, and have continued since Porter J. Goss took over as the intelligence chief last month, members of Congress said. The delays have postponed the next step in the process, which calls for the draft report to be reviewed by affected individuals.

It is not known who is named in the report, conducted by the C.I.A.'s inspector general, an independent internal investigator. The review was sought in December 2002 by the joint Congressional committee that investigated intelligence failures leading up to the Sept. 11 attacks. The purpose, that panel said, should be to determine "whether and to what extent personnel at all levels should be held accountable" for any mistakes that contributed to the failure to disrupt the attacks.

In a Sept. 23 letter to Mr. McLaughlin, the top Republican and Democrat on the House Intelligence Committee, Representatives Peter Hoekstra of Michigan and Jane Harman of California, said they were "concerned that the C.I.A. is unwilling to hold its officers accountable for failures to meet the professional standards we know C.I.A. stands for." On Tuesday, the top Democrat on the Senate Intelligence Committee, John D. Rockefeller IV of West Virginia, wrote separately to Mr. Goss, expressing concern "about the appearance that the inspector general's independence is being infringed."

ENCLOSURE D

Neither letter has been made public, but copies were obtained Tuesday by The New York Times. In both letters, the members of Congress cited as evidence of the delays identical letters sent to the intelligence committees on Aug. 31 by John Helgerson, the C.I.A. inspector general. The members of Congress described the delays as a departure from normal procedure.

A C.I.A. spokesman declined to comment about the status of the report. An intelligence official said that Mr. Goss had asked to review the draft himself before it was distributed further. The official would not address the question of who might be named in the document but said, "No C.I.A. official, current or former, has been found accountable, because we're talking about a draft."

Senator Pat Roberts, of Kansas Republican who is chairman of the Senate Intelligence Committee, did not sign the letter that Mr. Rockefeller sent. A Republican Congressional official said that Mr. Roberts did not yet believe that the postponement of the report was a matter for concern and said the delay was "uncommon but not abnormal."

Sarah Little, a spokeswoman for Mr. Roberts, said: "Senator Roberts is closely monitoring the progress of the C.I.A. inspector general's report on 9/11. Senator Roberts has already made it clear to the agency that he expects to see the report upon its completion."

That Mr. Hoekstra and Ms. Harman had called on the C.I.A. to release the report had been previously disclosed, but not the contents of the letter. In it, Mr. Hoekstra and Ms. Harman said that Mr. Helgerson had indicated that Mr. McLaughlin had broken with normal practice and directed him "not to distribute the sections of the report that identify individual officers by name."

A spokesman for George J. Tenet, who stepped down in July after seven years as director of central intelligence, said that Mr. Tenet had not been interviewed for the draft report, had not been briefed on its contents and had not been asked to respond to it.

James L. Pavitt, who retired in August as the C.I.A.'s deputy director of operations, also said he had not seen the report and had not been asked to respond to it. Mr. Pavitt said in an e-mail message: "We failed to stop the 11 September attacks. It surely was not for lack of effort, lack of focus or lack of courage."

"Given what we now know, in all the hindsight of the year 2004, I still do not believe we could have stopped the attacks," Mr. Pavitt added. "If there is to be blame, it belongs with me, not with the remarkable folks who worked the counterterrorism issue day in and day out."

URL: <http://www.nytimes.com>

GRAPHIC: Photos: Porter J. Goss, above, and John E. McLaughlin, left with Senator Susan Collins of Maine, have drawn criticism for their handling of a report on the C.I.A. (Photo by Alex Wong/Getty Images)

LOAD-DATE: October 27, 2004

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September 14, 2004 Tuesday
Late Edition - Final

SECTION: Section A; Column 1; National Desk; Pg. 18

LENGTH: 900 words

HEADLINE: Review at C.I.A. and Justice Brings No 9/11 Punishment

BYLINE: By DOUGLAS JEHL and ERIC LICHTBLAU

DATELINE: WASHINGTON, Sept. 13

BODY:

Internal reviews still under way at the Central Intelligence Agency and recently completed at the Justice Department, examining their performance in the run-up to the Sept. 11 attacks, have not resulted in any disciplinary actions, government officials said on Monday.

The reviews were sought in December 2002 by the joint Congressional committee that investigated Sept. 11 events. The purpose, it said, should be to determine "whether and to what extent personnel at all levels should be held accountable" for any mistakes that contributed to the failure to disrupt the attacks.

Neither review has been made public. Intelligence officials said that a draft of the C.I.A. report was completed in July but that a finished version had been delayed in response to questions from the agency's acting director. The final Justice Department report was also completed in July, however, and officials who have seen it say it stops short of recommending disciplinary action.

Both reports have been eagerly awaited by members of the House and Senate Intelligence Committees and by relatives of those killed on Sept. 11, 2001. The families in particular have complained that government officials have not been held accountable for mistakes that contributed to the attacks.

The issue of accountability is expected to be raised on Tuesday when Representative Porter J. Goss appears before the Senate Intelligence Committee for a confirmation hearing. Mr. Goss, Republican of Florida, is President Bush's nominee for director of central intelligence, and as chairman of the House Intelligence Committee until August, he was a co-chairman of the joint Congressional inquiry into Sept. 11.

ENCLOSURE

That no government officials have been disciplined over Sept. 11 failures has angered survivors, several of whom pressed Mr. Goss on the issue in a private meeting weeks ago.

"Three thousand people were killed on 9/11, and no one has been held accountable," Kristen Breitweiser, whose husband died at the World Trade Center, said in an interview Monday. Ms. Breitweiser said the intelligence overhaul now under discussion in Washington would be essentially meaningless "unless you get rid of the people who were shown to be incompetent on 9/11."

But counterterrorism officials say that the problems were systemic and that it would be foolhardy for survivors or lawmakers to hold individuals responsible for broader organizational shortcomings.

"You can't lay the blame for 9/11 on any one person," said a senior official of the Federal Bureau of Investigation. "No one has demonstrated that it was any one person's fault. A lot of these problems were systemic, whether it was a technological issue or a misreading of the law. You can't lay that on one person."

It is now unclear whether the findings from either report will be shared with Congress or the White House before the presidential election, government officials said.

The draft of the C.I.A. report, by the agency's inspector general, was submitted to John E. McLaughlin, the acting director of central intelligence, about eight weeks ago, intelligence officials said. But it has since been returned to the inspector general with a request "for more information," one of the officials said.

The intelligence officials would not say whether the draft had recommended any disciplinary action, when Mr. McLaughlin issued his additional request or when the final report might be completed. Two senior Congressional officials said they were seeking explanations from the agency about reasons for the delay.

The inquiries focus in part on the failure of C.I.A. and F.B.I. personnel to share information in the summer of 2001 that should have put some of the Sept. 11 hijackers on a government watch list.

The Justice Department's report was completed two months ago, and reference was made to it in the final report of the Sept. 11 commission. But it remains highly classified, and members of Congress have been pressing for the release of a declassified version.

One issue that has complicated the issuing of such a version is the possibility that the material would taint the pending criminal trial of Zacarias Moussaoui, charged with conspiracy in the attacks.

The report, officials who have read it or been briefed on it say, centers on three cases of missed warnings before Sept. 11: the apprehension of Mr. Moussaoui in Minneapolis, warnings about flight schools from an F.B.I. agent in Phoenix and the fruitless search for two terrorism suspects living in San Diego who went on to take part in the hijackings.

The report, the officials say, reviews what by now has become well-covered ground in the three incidents, but also provides some new details about miscommunications, inaction and other problems.

Among those of whom the findings are critical in the Moussaoui case, for instance, are some officials in

the F.B.I. unit that monitored the actions of Islamic radicals.

Mr. Moussaoui, having enrolled in flight school, was taken into custody on an immigration charge the month before the attacks. But efforts to search his computer were bottled up by misunderstanding of federal intelligence law, poor communication within the F.B.I. and other issues.

"The inspector general's report comes down on people and finds mistakes in areas where they went wrong," said one government official who has read it. "It doesn't leave anyone out."

URL: <http://www.nytimes.com>

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President Announces Rice to Provide Public Testimony to Commission <http://www.whitehouse.gov/news/releases/2004/03/print/20040330-7...>



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For Immediate Release
Office of the Press Secretary
March 30, 2004

**President Announces Rice to Provide Public
Testimony to Commission**
Statement by the President
The James S. Brady Briefing Room



VIDEO Multimedia

President's Remarks

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4:46 P.M. EST

THE PRESIDENT: Today I have informed the Commission on Terrorist Attacks Against the United States that my National Security Advisor, Dr. Condoleezza Rice, will provide public testimony. I've also advised Chairman Kean and Vice Chairman Hamilton that Vice President Cheney and I will jointly meet with all members of the commission in a private session.

This commission has been charged with a crucial task. To prevent future attacks, we must understand the methods of our enemies. The terrorist threat being examined by the commission is still present, still urgent and still demands our full attention.

From the day the panel was created, I have directed executive branch agencies and members of my staff to cooperate with the commission. Recognizing the exceptional nature of this inquiry, we have given commission members access to relevant presidential daily briefings, to my communications with foreign leaders, and to internal White House communications.

More than 800 members of the administration have been interviewed. More than 20 White House officials have met with the commission, or soon will do so. Dr. Rice, herself, has already met privately with the commission for four hours. I've ordered this level of cooperation because I consider it necessary to gaining a complete picture of the months and years that preceded the murder of our fellow citizens on September the 11th, 2001.

As the commission has done its work, I've also been concerned, as has Dr. Rice, that an important principle be upheld: A President and his advisors, including his advisor for national security affairs, must be able to communicate freely and privately, without being compelled to reveal those communications to the legislative branch. This principle of the separation of powers is protected by the Constitution, is recognized by the courts and has been defended by Presidents of both political parties.

We have observed this principle while also seeking ways for Dr. Rice to testify, so that the public record is full and accurate. Now the commission and leaders of the United States Congress have given written assurances that the appearance of the National Security Advisor will not be used as precedent in the conduct of future inquiries. The leaders of Congress and the commission agree -- they agree with me that the circumstances of this case are unique, because the events of September the 11th, 2001, were unique.

At my direction, Judge Gonzales has informed the commission that Dr. Rice will participate in an

ENCLOSURE

President Announces Rice to Provide Public Testimony to Commission <http://www.whitehouse.gov/news/releases/2004/03/print/20040330-7...>

open public hearing. Our nation must never forget the loss or the lessons of September the 11th, and we must not assume that the danger has passed. The United States will confront gathering dangers to our freedom and security. The commission knows its responsibility: to collect vital information and to present it to the American people. And I know my responsibility, as well: to act against the continuing threat and to protect the American people. I have made that pledge to my fellow citizens, and I will keep it.

Thank you.

END 4:50 P.M. EST

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FAX COVER SHEET

Date: December 9, 2004

To: ATTN: Appeals Review Panel

Organization: Central Intelligence Agency

From: The National Security Archive

Number of pages (including cover sheet) 16

If there is a problem with this transmission, please call us at 202-994-7000 as soon as possible.

Message: FOIA Appeal Attached
National Security Archive # 20041191CIA142
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